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CMS Hasche Sigle successful in NBA basketball name dispute

Leipzig – America's professional basketball league, the National Basketball Association (NBA), has agreed a compromise in the name dispute with German second-league club the BSW Sixers from the Federal State of Saxony-Anhalt. This allows the team from Bitterfeld-Sandersdorf-Wolfen to continue using the team name "BSW Sixers", but it must remove the two stars from the club logo. The NBA had complained about possible confusion with the "Philadelphia 76-ers", who are often simply referred to as the "Sixers" in the US. They insisted that the logo of the BSW Sixers be changed and threatened legal action in the event of failure to do so.

Dr Heralt Hug, intellectual property specialist and partner at CMS Hasche Sigle, advised the club in the trademark law dispute. "In marathon out-of-court negotiations – conducted as closed sessions – we finally managed to persuade the NBA that in Germany the logo element 'Sixers' does not lead to any confusion with the 'Philadelphia 76ers'", said Dr Heralt Hug. Any lawsuit brought by the NBA would have involved a succession of court cases and considerable financial risk, Hug added.

This compromise safeguards the name and logo of the BSW Sixers basketballers, while also ensuring legal certainty for the BSW Sixers trademark in the future.

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